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**MF**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/378,674 08/20/99 LAWRENCE L MEDO-5007-PU

 EXAMINER

WM01/0705

SRIVASTAVA, V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED:

07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/378,674</b>	Applicant(s) <b>Lee G. Lawrence et al</b>
	Examiner <b>Vivek Srivastava</b>	Art Unit <b>2611</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Mar 12, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 11-16 and 18 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 11-16 and 18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892)

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19)  Notice of Informal Patent Application (PTO-152)

20)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11 - 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atalla et al (5,477,263) in view of Lawrence et al (5,555,277).

Considering claim 11, Atalla discloses receiving a signal at a headend (fig 2, col 2 lines 2 - 17, col 3 lines 16 - 46, signal on link 34 is transmitted to community center 10 or headend), establishing a buffered storage queue at the headend that receives the signal (col 3 lines 16 - 46, col 4 lines 32 - 67), transmitting a stream from the headend (fig 2 item 65, col 3 lines 16-46), the stream being derived from the signal (fig 2, col 3 lines 16 - 46, col 4 lines 10 - 18, stream 65 is derived from the signal transmitted to the headend from master files via link 34), and the stream originating from a user selected playback point in the buffered storage queue (col 3 lines 16 - 46, col 5 lines 9 - 12, playback point can be selected by fast forwarding or reversing video in the buffer).

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Atalla fails to disclose a communication system including a headend which sends programming to a plurality of hubs with each hub sending the programming to at least one node that distributes the programming to end users. Lawrence recognizes the problem of signal attenuation over long distances and teaches using hubs and nodes equipped with amplifiers to remedy this problem (see col 2 lines 12 - 32 and col 4 lines 30 - 48). It would have been obvious including hubs and nodes equipped with amplifiers in the transmission system of Atalla would have reduced signal attenuation thus providing a higher quality signal for the end user. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Atalla to include the claimed plurality of hubs and nodes to provide a higher quality image for the end user.

Regarding claim 12, Atalla discloses unicasting a plurality of streams (fig 2 - unicasted streams are met by plurality of streams 65 transmitted to user destination 90), each stream being derived from the signal (fig 2, col 3 lines 16 - 46, col 4 lines 10 - 18, each stream 65 is derived from the signal transmitted to the headend from master files by signal 34), and each stream originating from a corresponding user selected playback point in the storage queue (col 3 lines 16 - 46, col 5 lines 9 - 12, playback point can be selected by fast-forward or reversing video in the buffer).

Regarding claim 13, Atalla discloses in response to a user at a destination requesting to pause (col 2 lines 55 - 58, col 9 lines 26 - 30), sliding the user selected point within the queue at such a rate to cause the playback point to remain substantially stationary in time (col 2 lines 55 -

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58, col 9 lines 26 - 30, the pause feature keeps the video stationary in time), in response to a user at the destination requesting to resume, stopping the sliding (col 3 lines 16-46, this feature is inherent and must be included to play the video after pausing, normal controls of a video tape player in col 2 lines 55 - 65, all video tape players include a button for resuming play after pausing).

Regarding claim 14, Atalla discloses in response to a user at a destination requesting to rewind (col 5 lines 8 - 12), sliding the user selected point within the queue at such a rate to cause the playback point to move backward in time (col 5 lines 8 - 12, sliding backward is met by reversing at twice the speed), in response to a user at the destination requesting to resume, stopping the sliding (col 5 lines 8 - 12, this feature is inherent and must be included to play the video after rewinding, normal controls of a video tape player in col 2 lines 55 - 65, all video tape players include a button for resuming play after rewinding).

Regarding claim 15, Atalla discloses in response to a user at a destination requesting to fast forward (col 3 lines 37 - 47), sliding the user selected point within the queue at such a rate to cause the playback point to move forward in time (col 3 lines 16-46, sliding forward is met by reading out every 4'th frame), in response to a user at the destination requesting to resume, stopping the sliding (col 3 lines 16-46, this feature is inherent and must be included to play the video after fast-forwarding, normal controls of a video tape player in col 2 lines 55 - 65, all video tape players include a button for resuming play after rewinding).

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Considering claim 18, Atalla discloses a headend (fig 2, col 2 lines 2 - 17, col 3 lines 16-46, the headend is met by community center 10), the headend being operative to establish a buffered storage queue at the headend (col 3 lines 16 - 46, col 4 lines 32 - 67), the headend being further operative to transmit a stream from the headend (fig 2 item 65, col 3 lines 16 - 46), the stream being derived from the signal (fig 2, col 3 lines 16 - 46, col 4 lines 10 -18, stream 65 is derived from the signal transmitted to the headend from master files via link 34), and the stream originating from a user selected playback point in the buffered storage queue (col 3 lines 16 - 46, col 5 lines 9 - 12, playback point can be selected by fast-forwarding or reversing video in the buffer).

Atalla fails to disclose the plurality of hubs and nodes. See claim 11 for obviousness.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atalla (5,832,287) in view of Lawrence et al (5,555,277) as applied to claim 11 above, and further in view of Logan et al (5,371,551).

Considering claim 16, Atalla discloses receiving the stream at the destination (fig 2 item 90, col 3 lines 16 - 47, col 5 lines 1 - 9) and playing the stream at the destination via a settop box (col 5 lines 1-21, col 6 lines 57 - 67). Atalla fails to disclose establishing a buffered storage queue at the destination that receives the stream and in response to a user selecting a desired position in the destination buffered storage queue, playing the stream at the destination from the desired position in the destination buffered storage queue.

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Logan teaches including a buffer in a user's receiver provides displaying a mosaic of images representing positions of video which a user can select to view an instant replay (col 2 lines 3 - 10, col 5 lines 35 - 50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Atalla to include a buffer storage queue at the destination as claimed to provide the user with an instant replay feature enabling the user to quickly replay a desired portion of a video.

*Response to Arguments*

Applicants argue, "Atalla does not describe or suggest a method used in the communication system including a headend, a **plurality of hubs**, and a **node** that distributes the programming to end users." The Examiner concurs that Atalla fails to disclose claims 11 and 18 as amended. However, as stated in the rejection above, Lawrence et al teaches the deficiencies in Atalla. As a result, the Applicant's arguments are not persuasive.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ganek et al (5,682,597) - VOD request asynchronous with start of NVOD transmission

Richard, III et al (5,790,174) - VOD services via PSTN architecture

Suzuki (5,956,488) - System for multimedia access with VCR type functions

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

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**Or:**

(703) 308- 5359 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The  
examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 6/29/01



*Andy Faile*  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600